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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,926	03/24/2004	Yozo Tanaka	09792909-5818	5144
26263 7590 03/06/2008 SONNENSCHN NATH & ROSENTHAL LLP P.O. BOX 061080 WACKER DRIVE STATION, SEARS TOWER CHICAGO, IL 60606-1080			EXAMINER SUTHERS, DOUGLAS JOHN	
			ART UNIT 2615	PAPER NUMBER
			MAIL DATE 03/06/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/807,926

Applicant(s)

TANAKA ET AL.

Examiner

Douglas Suthers

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 December 2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date 02/21/08

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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DETAILED ACTION

The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2615.

Drawings

The drawings are objected to because the amended figure 5 does not match the disclosure. It appears the original was correct. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of

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any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the claim recites "an predetermined operation" which should probably read as "a predetermined operation".

Regarding claim 4, the claim recites "to said second mode **and** can also be" which should probably read as "to said second mode can also be".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1 Claims 1, 3, 5, 6, 8, and 10 are rejected under 35 U.S.C. 102(b) as being
2 anticipated by Namiki et al. (US 5130961).

3
4 Regarding claim 1, Namiki discloses an audio apparatus comprising:
5 a tuner unit (figure 1, item 1) for receiving a broadcast;
6 a digital reproducing unit (2 with photosensor 8);
7 an operating unit (4);
8 a control unit (3) which switches between a first mode and a second mode in
9 response to a predetermined operation of the operating unit, wherein
10 in the first mode (CD not inserted), the power to the digital reproducing unit is on
11 (figure 4, s5) while the tuner unit receives the broadcast (s4); and
12 in the second mode (CD inserted), the power of the digital reproducing unit is off
13 (step s18) while the tuner unit receives the broadcast (step s19).

14
15 Regarding claim 3, Namiki discloses wherein: the digital reproducing unit
16 reproduces digital data recorded on a recording media (CD), and the tuner unit receives
17 at least a AM or FM broadcast (figure 1, item 1).

18
19 Regarding claim 5, Namiki discloses further comprising:
20 a display unit (10) for displaying information which indicates the current mode
21 when said first mode and said second mode are switched by said control unit.

22

1 Regarding claims 6, 8, and 10, the method claims 6, 8, and 10 are rejected in an
2 analogous manner to the apparatus claims 1, 3, and 5.

3
4
5 ***Claim Rejections - 35 USC § 103***

6 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
7 obviousness rejections set forth in this Office action:

8 (a) A patent may not be obtained though the invention is not identically disclosed or described as set
9 forth in section 102 of this title, if the differences between the subject matter sought to be patented and
10 the prior art are such that the subject matter as a whole would have been obvious at the time the
11 invention was made to a person having ordinary skill in the art to which said subject matter pertains.
12 Patentability shall not be negated by the manner in which the invention was made.

13
14 Claims 2, 4, 7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable
15 over Namiki et al. (US 5130961).

16
17 Regarding claim 2, although Namiki does not expressly disclose the specifics of
18 the operation of the CD player, the examiner takes official notice that CD players with
19 an open/close, or eject/load function to insert and eject the CD were well known in the
20 art. The motivation to have such would have been to allow for a compact interface for
21 switching of the CD without damage. It would have also been obvious to further
22 comprise having the open/close function be initiated via operation of a plurality of input
23 keys such as "fast forward" and "rewind". The motivation would have been to allow for
24 fewer keys on the input pad, thus allowing a smaller design. Therefore at the time of
25 invention, it would have been obvious to one of ordinary skill in the art to further

comprise wherein the predetermined operation is a simultaneous operation of at least two input keys.

Regarding claim 4, although Namiki does not expressly disclose the specifics of the operation of the CD player, it would have been obvious to use an open/close, or eject/load button to insert and eject the CD. The motivation to do so would have been to allow for a compact interface for switching of the CD without damage. Therefore at the time of invention, it would have been obvious to one of ordinary skill in the art to further comprise wherein the predetermined operation for changing said control unit from said first mode to said second mode can also be used for changing said control unit from said second mode to said first mode.

Regarding claims 7 and 9, the method claims 7 and 9 are rejected in an analogous manner to the apparatus claims 2 and 4.

Response to Arguments

Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

1 Applicant's amendment necessitated the new ground(s) of rejection presented in
2 this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP
3 § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37
4 CFR 1.136(a).

5 A shortened statutory period for reply to this final action is set to expire THREE
6 MONTHS from the mailing date of this action. In the event a first reply is filed within
7 TWO MONTHS of the mailing date of this final action and the advisory action is not
8 mailed until after the end of the THREE-MONTH shortened statutory period, then the
9 shortened statutory period will expire on the date the advisory action is mailed, and any
10 extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of
11 the advisory action. In no event, however, will the statutory period for reply expire later
12 than SIX MONTHS from the date of this final action.

13 Any inquiry concerning this communication or earlier communications from the
14 examiner should be directed to Douglas Suthers whose telephone number is (571)272-
15 0563. The examiner can normally be reached on 8am - 5pm.

16 If attempts to reach the examiner by telephone are unsuccessful, the examiner's
17 supervisor, Vivian Chin can be reached on (571)272-7848. The fax phone number for
18 the organization where this application or proceeding is assigned is 571-273-8300.

19 Information regarding the status of an application may be obtained from the
20 Patent Application Information Retrieval (PAIR) system. Status information for
21 published applications may be obtained from either Private PAIR or Public PAIR.
22 Status information for unpublished applications is available through Private PAIR only.

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1 For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should
2 you have questions on access to the Private PAIR system, contact the Electronic
3 Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a
4 USPTO Customer Service Representative or access to the automated information
5 system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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djs *DD*

[Signature]
VIVIAN CHEN
SUPERVISORY PATENT EXAMINER